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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/008,266	10/29/2001	John D. Smith	PC-1059CIP	4315	
23717	7590 03/28/2003				
LAW OFFICES OF BRIAN S STEINBERGER			EXAMINER		
101 BREVA COCOA, F	ARD AVENUE L 32922	NGUYEN, LONG B			
			ART UNIT	PAPER NUMBER	
			3617	-	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Laminer		Application No.	Applicant(s)			
Long B Nguyen 3817	Office Action Summany		SMITH			
- Th MAILING DATE of this communication appears on th cov r sh t with th correspond nc address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edamentor of the many by a critical was an experiment of the provisions of 3 CPR 1.156(s). In no event, however, may a reply be limitely filled 1 the period for reply specified above is less than thinty (30) stays, a reply within the statedary minimum of thinty (30) days will be considered timely. 1 the period for reply specified above is less than thinty (30) stays, a reply with the statedary minimum of thinty (30) days will be considered timely. 1 the period for reply specified above is less than thinty (30) stays, a reply with the statedary minimum of thinty (30) days will be considered timely. 1 the period for reply specified above is less than thinty (30) stays are supplied to the schemulation. 2 the period for reply specified above is less than the period of the schemulation. 3 the period for reply specified above is less than the period of the schemulation. 3 the period for reply specified and the schemulation and the schemulation and the schemulation. 3 the specified and the period of the schemulation and the schemulation is in on-final. 3 this action is FINAL. 2 this action is FINAL. 2 this action is FinAL. 2 this action is non-final. 3 this action is a splication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 the provided and	Office Action Summary		Art Unit			
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DETAILED ACTION

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Double Patenting

- 1. Claims 1 and 9-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5, 15-16 of U.S. Patent No. 6,309,027. Although the conflicting claims are not identical, they are not patentably distinct from each other because wheel cover of U.S. Patent 6,309.027 inheritantly has a blank surface portion for allowing indicia to be selectively added. The term "user" can be broadly interpreted to be the wheel cover manufacturer, the car manufacturer, the advertiser, or the vehicle owner.
- 2. Claims 2-3 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5, and 15-16 of U.S. Patent No. 6,309,027 in view of Rogers. U.S. Patent '027 does not specify the indicia to include a stencil with at least two different forms of indicia and a marker. Roger teaches a stencil with at least two different forms of indicia and a marker. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a stencil with at least two different forms of indicia and a marker because that would allow the indicia to be personalized.
- 3. Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5, and 15-16 of U.S. Patent No. 6,309,027. Although the conflicting claims are not identical, they are not patentably

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distinct from each other because it would be obvious for a person with ordinary skill in the art to utilize a washable material such paint for allowing the indicia to be selectively removed. Paints can be washed using paint remover.

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- Claims 5-8 are rejected under the judicially created doctrine of obviousness-type 4. double patenting as being unpatentable over claims 1-2, 5, and 15-16 of U.S. Patent No. 6,309,027 in view of Corbusier. U.S. Patent '027 does not specify the indicia to be a decal with a peel and stick, a static cling backing portion, a backing portion having a removable fastener, or a magnetic backing. Corbusier teaches a peel and stick indicia. It would have been obvious for a person having ordinary skill in the art to utilize an indicia having a decal with a plurality of mechanical equivalent backings because the decal would allow the indicia to be safely changed without damaging the attached surface. Decals having a decal with a peel and stick, a static cling backing portion, a backing portion having a removable fastener, and a magnetic backing are well known in the decal art.
- 5. Claims 15-18 are rejected under the judicially created doctrine of obviousnesstype double patenting as being unpatentable over claims 1-2, 5, and 15-16 of U.S. Patent No. 6,309,027. Although the conflicting claims are not identical, they are not patentably distinct from each other because a person having ordinary skill in the art would interpret a vehicle to be an automobile, a truck, a bus, or a golf cart.

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Allowable Subject Matter

6. Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 19 is allowed.

Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAbee, Porraro, Hetz, McCormick, Shlemon, Morse, Jr., Vogelgesang, Rogers, Leander, Austin, and Sigel are cited to show indicia with different backings.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long B Nguyen whose telephone number is 703.305.5201. The examiner can normally be reached on M-F with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703.308.0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.305.5201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

Ibn March 21, 2003

Las hor 3/21/03

LONG BAO NGUYEN PATENT-EXAMINER

S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600